

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOERG EICHELBERGER,
Defendant-Appellant.

No. 02-4327

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Benson E. Legg, Chief District Judge.
(CR-00-25)

Submitted: January 16, 2003

Decided: February 6, 2003

Before LUTTIG and MICHAEL, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

G. Arthur Robbins, CHESAPEAKE MERIDIAN, Annapolis, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Martin J. Clarke, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Joerg Eichelberger was convicted by a jury of laundering monetary instruments, in violation of 18 U.S.C. § 1956(a)(3)(A), (B) (2000), and was subsequently sentenced to thirty-three months' imprisonment. On appeal, Eichelberger argues that (1) the evidence was insufficient to establish beyond a reasonable doubt that he knew that the laundered money was proceeds from drug trafficking, and (2) the district court erred in applying a four-level enhancement at sentencing, pursuant to *U.S. Sentencing Guidelines Manual* §§ 2S1.1(a)(2), 2B1.1(b)(1)(C) (2001), for jointly undertaking to launder more than \$10,000. We affirm.

First, we address Eichelberger's contention that there was insufficient evidence from which the jury could conclude that he believed that the money represented the proceeds of drug trafficking. This court must affirm Eichelberger's jury conviction if there is substantial evidence, when viewed in the light most favorable to the Government, to support the jury's verdict. *Glasser v. United States*, 315 U.S. 60, 80 (1942). In determining whether the evidence is substantial, this court views the evidence in the light most favorable to the Government and inquires whether there is evidence sufficient to support a finding of guilt beyond a reasonable doubt. *United States v. Burgos*, 94 F.3d 849, 862 (4th Cir. 1996) (en banc). In evaluating the sufficiency of the evidence, the court does not review witness credibility and assumes the jury resolved all contradictions in the evidence in the Government's favor. *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998). The jury, not the reviewing court, weighs the credibility of the evidence and resolves any conflicts in the evidence presented, and if the evidence supports different reasonable interpretations, the jury decides which to believe. *United States v. Murphy*, 35 F.3d 143, 148 (4th Cir. 1994). We conclude that sufficient evidence supports the jury's verdict that Eichelberger believed that the money in question was the proceeds of drug trafficking.

Second, Eichelberger argues that the district court erred in applying, pursuant to USSG §§ 2S1.1(a)(2), 2B1.1(b)(1)(C), a four-level upward adjustment to his base offense level on the ground that he and John Anderson jointly undertook to launder more than \$10,000. In reviewing a district court's application of the sentencing guidelines, this court reviews factual determinations for clear error, legal questions de novo, and mixed questions of law and fact are reviewed under a standard that gives due deference to the district court. *United States v. Nale*, 101 F.3d 1000, 1003 (4th Cir. 1996). After reviewing the materials presented to this court, we find that the district court did not err in concluding that Eichelberger jointly undertook to launder more than \$10,000 under USSG §§ 2S1.1(a)(2), 2B1.1(b)(1)(C).

Accordingly, we affirm Eichelberger's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED